

RECEIVED
COLLECTION NO. 3:05-CV-631-F
(w/s)
2005 AUG 18 RECOMMENDATION OF THE MAGISTRATE 8-8-05

This is A.P. HACK
DISTRICT
WHEELER
Walter Lamer Avery HIS #184038
I received documents from the United
States district courts concerning Complaint
that I filed on June 30th 2005 for
being held past my EOS date.
After reviewing the documents I would
like to agree with the recommendation
of the magistrate judge that the
complaint against the County Detention
Facility, the Co. County Justice Center and
the Honorable Jacob Walker III be
dismissed due to the fact that I was
shown my transcript from the Honorable
Judge Walker III courtroom on Oct.
26, 2004, (original Court date) which
stated that I did receive jail credit
and was to be released on June 5th
2005. However after filing 1983 forms
I was told that major torbert made
a decision that I not be released on
my EOS date. I would like to
pursue C.U. Suit on Sheriff Jay Jones
and major C. torbert. I was aware of
the fact that I had a hold on me in
Albion for fines. After being held 34 days
more that sentence handed down by Judge

I was released with the hold only to be picked back up 14 days ~~later~~ later. If I had been released on my original ~~08/08~~ E.O.S date I would have 63 days toward my fines. Instead I was released to get a job only to have it taken away.

I writer James Avery Request that this case with respect to the remaining defendants (Sheriff Jay Lueb - Major C tent) be referred back to the magistrate judge for additional proceedings 8-13-05

Walter J. Avery

3:05cv631

PLAINTIFF ATTORNEY
P.O. 2457
Montgomery, AL 36101

RECEIVED
U.S. DISTRICT COURT
MONTGOMERY, ALABAMA

Office of Clerk
United States District Court
P.O. Box 711
Montgomery, Alabama 3601-0711

